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IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

PARAMOUNT PARKS, INC.,

...00()

Plaintiff(s)

Case Number: 1:00cv1043-SJD

VS.

: District Judge Susan J. Dlott

ROLLER COASTER CO OF OHIO, et al,

:

Defendant(s)

ORDER

The Court having been advised by counsel for the parties that the above matter has been settled except as to the claims against Roller Coaster Company of Ohio ("RCCO"), IT IS ORDERED that this action is hereby DISMISSED WITH PREJUDICE as to those claims, provided that any of the parties may, upon good cause shown not later than November 17, 2003, reopen the action if settlement is not consummated. The parties may substitute a judgment entry contemplated by the settlement agreement upon approval of the Court. Parties intending to preserve this Court's jurisdiction to enforce a settlement should be aware of *Kokkonen v Guardian Life Ins. Co. Of America*, 511 U.S. 375, 381-82 (1994), and incorporate appropriate language in any substituted judgment entry.

This Court explicitly retains jurisdiction to enforce settlement agreement reached by the parties, on motion or sua sponte and to consider Plaintiff's application for attorney fees, if any.

Each party shall bear its own costs.

IT IS SO ORDERED.

__s/Susan J. Dlott____ Susan J. Dlott United States District Judge

Pursuant to S. D. Ohio Civ. R. 79.2(a) and (b), all models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed or offered in evidence shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. All materials not withdrawn shall be disposed of by the Clerk as waste.